UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
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CHICAGO, IL 60604-3590

DEC 2 7 2012

REPLY TO THE ATTENTION OF:

E-19J

Marisol Simon
Regional Administrator, Region 5
Federal Transit Administration
200 West Adams Street, Suite 2410
Chicago, Illinois 60604

RE: EPA Comments for the Southwest Transitway Project in Hennepin County, Minnesota Draft Environmental Impact Statement, CEQ # 20120320

Dear Ms. Simon:

In accordance with U.S. Environmental Protection Agency (EPA) responsibilities under the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act (CAA), and the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), we reviewed the October 2012 Draft Environmental Impact Statement (DEIS) for the proposed Minneapolis Southwest Transitway (SWT) Project. The Federal Transit Administration (FTA) and the Hennepin County Regional Rail Authority (HCRRA) propose to improve access and mobility in southwest Minneapolis and nearby suburbs by providing a public, high capacity transit service option not currently available through bus services. The proposed project aims to extend and integrate the regionally-planned transitway program. FTA and HCRRA also propose to improve rail freight flow through the Minneapolis hub, a separate but connected action that will relocate a portion of rail freight traffic in the southwest corridor.

EPA participated in an October 15, 2008 interagency scoping meeting and on November 6, 2008, we commented on the project's Green Means Go Scoping Information booklet and Coordination Plan. We agreed to be a participating agency in the project development of purpose and need, alternatives to be carried forward, analysis of impacts, and document review.

Based on our review of the SWT DEIS, EPA rates the proposed project and document as **EC-2: Environmental Concerns - Insufficient Information**. See the enclosed *EPA Summary of Rating Definitions* for an explanation of this rating system. Our detailed comments are enclosed in *EPA Comments on the Minneapolis Southwest Transitway DEIS (Comments)*. The enclosed comments discuss project purpose and need, alternatives, environmental impacts, and mitigation of impacts in detail. Our primary recommendations are to clarify the project purpose and need, and adequately analyze alternative impacts related to the Operations and Maintenance Facility, to aquatic resources, to Environmental Justice neighborhoods, and to several other issues. We further recommend evaluation of a possible modification to Alternative LRT-3 to avoid impacts

to a major wetland area. The Final Environmental Impact Statement (FEIS) should fully consider all potential impacts, and either commit to specific mitigation measures where possible or discuss the mitigation options available and being pursued.

We appreciate the opportunity to review this document. I am available to discuss the contents of this letter or contact Norm West, (312) 353-5692 or at west.norman@epa.gov if you have any questions on our comments. Please send a hard copy and two CD versions of the Final EIS once it is available.

Sincerely,

Kenneth A. Westlake
Chief, NEPA Implementation Section
Office of Enforcement and Compliance Assurance

Cc: Richard Johnson, HCRRA
Mark Fuhrman, Minneapolis St. Paul Metropolitan Council
Bill Wheeler, FTA
Barbara Walther, US Army Corps of Engineers, St. Paul District (2009-01283-BLW)
Christa Stoebner, US Surface Transportation Board, Office of Environmental Analysis
Rebecca Fabumni, Minnesota Department of Transportation
Garneth Paterson, Minnesota Department of Transportation
Lisa Joyal, Minnesota Department of Natural Resources
Bill Wilde, Minnesota Pollution Control Agency
Mary Ann Heideman, Minnesota State Historic Preservation Office
Larry Hiscock, Harrison Neighborhood Association
Joan Vanhala, Metropolitan Sustainability

SUMMARY OF EPA RATING DEFINITIONS AND FOLLOW UP ACTION*

Environmental Impact of the Action

LO-Lack of Objections
The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC-Environmental Concerns
The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impacts. EPA would like to work with the lead agency to reduce these impacts.

EO-Environmental Objections
The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU-Environmentally Unsatisfactory
The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS sate, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1-Adequate
The EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collecting is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2-Insufficient Information
The draft EIS does not contain sufficient information for the EPA to fully assess the environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3-Inadequate
EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640 Policy and Procedures for the Review of the Federal Actions Impacting the Environment

EPA Comments on the October 2012
Minneapolis Southwest Transitway DEIS
CEQ # 20120320

EPA's cover letter provides an introduction to this more specific set of comments on the Draft Environmental Impact Statement (DEIS) for the Minneapolis Southwest Transitway (SWT) Project. We recommend the Final Environmental Impact Statement (FEIS) include acronyms in sidebars and in the Appendix C Glossary. The FEIS would be improved if the useful information summarized in Tables 9.4-1 and 9.5-1 is fully discussed in Sections 2 through 4. Clarifying these points early in the appropriate sections would make the FEIS more readable and understandable. We commend the excellent noise report and historic and archeological cultural resources reports in Appendix H, with remaining concerns noted below. The following comments on the DEIS discuss the Purpose and Need, Alternatives, Environmental Impacts, and Mitigation of Impacts.

PURPOSE AND NEED

While the project goals and objectives are clearly itemized at the end of chapter 1, the project Purpose and Need is presented in a series of varying statements and repetitions, thus communicating multiple possible meanings. The inclusion of possible freight rail modifications further confuses the project Purpose and Need and how alternatives are being assessed.

> **Recommendation**: The FEIS should describe the needs to be met and then list the project purposes to meet those needs with a clear set of statements that succinctly define the project Purpose and Need.

ALTERNATIVES

The Alternatives Analysis (AA) is unclear as to how early alternatives did or did not meet the criteria used to eliminate or retain those alternatives for further analysis. Table 2.1-2 indicates that a particular goal is met by a given alternative, but does not offer a clear explanation, making the decision appear subjective.

> **Recommendation:** The AA reasoning should be summarized in the FEIS to make these decisions comprehensible. For example, if an alternative does not meet local or regional planning, please explain where that alternative is in conflict with those plans, thus providing an understandable decision rationale.

On October 15, 2008, EPA recommended modification of Alternative LRT-3 to avoid a large wetland complex in the path between the Shady Oak Station and the Opus Station. This modification was not discussed or analyzed in the DEIS. Alternative LRT-3A, the preferred alternative, proposes to carry the light rail transit (LRT) on a long bridge through this large wetland complex east of Route 61. To avoid impacts to these aquatic resources, EPA proposed the LRT path extend along the Hennepin County Rail Road Administration (HCRRA) right-of-

way (ROW) from the Shady Oak Station to Route 61 and turn south along Route 61, perhaps creating Route 61as a boulevard with the LRT. This would avoid potential impacts and costs of crossing the extensive wetland complex. Those impacts include the footprint of bridge piers and the temporary impacts associated with construction of that bridge.

> **Recommendation:** EPA recommends the FEIS evaluate this modification to the Preferred Alternative as described above, and discuss any other alternatives that could avoid this wetland complex.

Although more extensive discussion about the proposed interlock connections to the MN&S Spur is provided in Appendix H, the DEIS does not adequately explain or illustrate what currently exists, what is proposed regarding freight rail, and how this meets purpose and need.

> **Recommendation:** The FEIS should be revised to include the following information regarding freight rail.
>
> - Illustrate with well-labeled maps the existing and proposed freight rail tracks so that those tracks and their operators can be identified for current and proposed usage.
> - Clarify whether trains currently move from the BNSF Wayzata Subdivision at Penn Avenue or the CP Bass Lake Spur Subdivision (Kenilworth Corridor) onto the unnamed track east of Penn Avenue that passes the proposed Van White Station heading to the St. Paul Rail Yard (presumably that is the CP Humboldt Yard).
> - Identify the location of the St. Paul Rail Yard along with alternate routing to the St. Paul Rail Yard that Minnesota Commercial Railroad and/or the Twin Cities and Western Railroad (TC&W) currently must use.
> - Discuss how the proposed new connections reduce freight train congestion and how the proposal removes freight congestion from the proposed high speed rail service to Minneapolis.

The Operations and Maintenance Facility (OMF) is a significant component of the proposal alternatives. Information on impacts associated with each OMF site alternative was not adequately addressed in the DEIS.

> **Recommendation:** Section 2.3.3.9 and Appendix H do not provide enough information, including maps, to adequately assess these alternative sites for the OMF. The FEIS should clarify these alternative site locations. Any impacts anticipated from the construction and operation at each OMF candidate site should be discussed in the FEIS, including how impacts will be considered in OMF site selection and how those impacts will be addressed.

ENVIRONMENTAL IMPACTS

We commend Tables 9.4-1 and 9.5-1 Indirect and Cumulative impact summaries. However, direct impacts of the proposed alternatives are not discussed consistently. Table 2.1-2 and Table 2.1-3 indicate that Alternative LRT-3A adequately protects the environment, yet we note above

the wetland complex being impacted. Table 2.1-2 indicates Alternate LRT-3C-1 and LRT-3C-2 as cost effective, but Table 2.1-3 indicates that both the LRT-3C options fail the cost criteria. Additional aquatic resource impacts need to be considered more fully in the FEIS as noted herein. Environmental Justice (EJ) community identification and impacts are minimally considered. EJ should be given clearer definition in the FEIS as discussed below, and greater involvement of community groups should be considered

Aquatic Resources

Our review of both aerial photography and DEIS figures indicates that several surface water bodies (streams) are present within the project corridors under review. EPA notes, at a minimum, the following stream crossings: two stream crossings in Segment 1; four stream crossings in Segment 3; two stream crossings in Segment 4; one stream crossing each in Segment A, Segment C-1, Segment C 2-A, and Segment C 2-B; and two stream crossings in the Freight Relocation area.

We expect that a Section 404 permit under the Clean Water Act will be required from the U.S. Army Corps of Engineers (USACE) for proposed discharges of dredged or fill materials to Waters of the United States. The Section 404 approval is contingent upon the project complying with the Section 404(b)(1) guidelines under the Clean Water Act. These guidelines are summarized as follows:

- Least Environmentally Damaging Practicable Alternative (LEDPA)[1] – There must be no practicable alternative to the proposed discharge (impacts) which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences;
- No Violation of Other Laws – The proposed project must not cause or contribute to violation of state water quality standards or toxic effluent standards, and must not jeopardize the continued existence of federally-listed endangered or threatened species or their critical habitat(s);
- No Significant Degradation – The project must not cause or contribute to significant degradation of Waters of the United States; and
- Minimization and Mitigation of Adverse Impacts – The project must include appropriate and practicable steps to avoid impacts to regulated Waters of the United States; where impacts are unavoidable, demonstration of how impacts have been minimized; and must provide compensatory mitigation to offset unavoidable, minimized impacts to the aquatic ecosystem.

Recommendation: The FEIS should be modified to include the following information:

- A discussion of stream impacts associated with each Segment/Alternative.
- A robust discussion about how sequencing established by the Clean Water Act Section 404(b)(1) guidelines has been applied, namely, avoidance first, then demonstration of impact minimization, then mitigation for unavoidable, minimized impacts;
- A discussion on proposed mitigation for unavoidable, minimized stream impacts.

[1] Furthermore, an alternative is considered practicable if "it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes." [40 CFR Part 230.3]

Several streams that will be crossed by project alternatives are specifically listed as impaired (i.e., not meeting state water quality standards) on the Minnesota Pollution Control Agency's (MPCA) Clean Water Act Section 303(d) list of impaired water bodies. Additionally, several water bodies, including lakes, upstream or downstream of potentially impacted channels are also listed on the 303(d) list. However, the DEIS did not include a discussion of 303(d)-listed water bodies, nor did it include a discussion of implications to water quality for proposed impacts to 303(d) listed water bodies or to water bodies upstream of a 303(d)-listed water body.

> **Recommendation:** The FEIS should provide information on the location and number of stream crossings, whether or not the water body is a 303(d)-listed water body or upstream of a 303(d)-listed water body, and describe how the project could potentially affect each listed water body (with regard to specific listed impairments).

Figure 3.5-1 on page 3-87 (Volume 1) notes the "Nine Mile Creek Conservation Area." This area, its importance, and potential impacts to it, were not discussed in the DEIS.

> **Recommendation:** The FEIS should provide additional information on the Nine Mile Creek Conservation Area, including an inset map showing its boundaries with relation to the preferred alternative corridor, along with discussion of impacts to this area and/or Nine Mile Creek and its tributaries, and proposed mitigation for unavoidable impacts.

Wetlands

Page 2-17 (Volume 1) states that the LRT-1A and LRT-3A alternatives pose "less environmental risk" than alternatives LRT-3C-1 or LRT-3C-2. However, it appears that this statement was based on a greater number of impacts to historic resources, contaminated properties, and potential noise and vibration receptors from the "C" alternatives than from the "A" alternatives. It does not appear that impacts to wetlands, water resources, or floodplains were taken into account with this statement, since the preferred alternative has the most wetland acreage impacts and the second most floodplain acreage impacts compared to the other alternatives studied.

- The DEIS wetland impact acreages were calculated using GIS; however, the document does not specify how (and from what information source) these calculations were made. Furthermore, all estimations of wetland impact can only be confirmed by the completion of a wetland delineation for the full alignment of the preferred alternative, as well as along the freight rail relocation corridor and at all four locations proposed for siting of the OMF.

  > **Recommendation:** Page 4-32 (Volume 1) states a delineation will be completed during final design. However, EPA recommends that the delineation be completed before the FEIS is finalized. Without a delineation, it is impossible to correctly assess potential wetland impacts within any corridor alignment. This delineation should be reviewed and verified by the USACE, MPCA, and/or Local Government Units before permitting.

- A number of Traction Power Substations (TPSSs) will be required to supply electrical power to the traction networks and passenger rail stations. They will need to be sited at approximately one-mile intervals along the selected corridor. "General locations" of

TPSS stations were shown in Appendix F; however, the DEIS notes that these locations are subject to change.

Recommendation: Review of Volume 3 proposed plans shows that TPSS # 16 (Segment 3, sheet 1 of 15) is proposed to be built in wetlands and TPSS #6 (Segment 4, sheet 6 of 10) is proposed to be built in South Oak Lake[2]. TPSS stations should be sited in upland (non-wetland) locations. As there is some flexibility in siting of TPSS stations, thoughtful design and planning may further reduce wetland impacts.

- Four locations are being considered for the LRT OMF. These four locations were mentioned on page 2-52 of the DEIS (Volume 1) with additional information found in Appendix H. The additional information provided in Appendix H was not specific enough for EPA to discern the exact locations under consideration for OMF construction. As such, EPA cannot provide substantive comments regarding the potential for water resource impacts or other impacts associated with each of the four sites under consideration.

  Recommendation: The DEIS did not take into account the potential for aquatic resource (wetland) impacts or other impacts that could be due to siting of the OMF facility. The OMF sites being considered range in size from 10 to 24 acres. As such, there is a possibility for significant wetland impacts, should wetlands be found at these sites. In the FEIS, potential aquatic resource impacts for these sites should be quantified and included in all impact summary tables and impact narratives in the document. Additionally, modified figures (with aerial photo backdrops) should be added that outline the specific boundaries of each parcel under consideration for OMF construction. The FEIS should clearly discuss the reasons for selecting the OMF site that is eventually chosen.

- Page 4-42 (Volume 1) of the DEIS states that "no wetlands or public waters are present at three of the four potential OMF sites." EPA assumes that this statement is based on review of the National Wetland Inventory (NWI) maps, as formal wetland delineation has yet to be completed.

  Recommendation*:* Based on our review of aerial photos, the "Eden Prairie 3" site appears to likely contain wetlands. Wetland impacts at the Eden Prairie 3 site could be expected to be a minimum of 1.30 to 1.50 acres. EPA requests that final OMF siting wait until such time that formal wetland delineation has been completed for all sites under consideration. The Clean Water Act Section 404 (b) (1) guidelines should be applied when selecting the OMF site. If the Eden Prairie 3 site is determined to have the most wetland impacts, EPA requests that this OMF site be removed from further consideration, unless other compelling factors argue for its retention.

- The preferred alternative, LRT-3A, proposes wetland impacts of 2.19 acres; of this, 0.19 acre of impact is associated with the build alternative, and 2 acres of impact are associated with the freight rail relocation. No specific information on wetland mitigation

[2] Other TPSS stations may also be proposed to be built in regulated water resources; these are just two sites EPA noted as clearly located in water resource areas.

was discussed in the DEIS. The only mention of wetland mitigation was made on Page 4-43 (Volume 1), where the DEIS states, "impacts to wetlands as a result of the Built Alternatives and Freight Rail Relocation construction would require mitigation, either through replacement of wetland or purchasing of wetland bank credits."

Recommendation: EPA recommends that the FEIS provide additional information on potential wetland mitigation, including expected mitigation ratios, updates on status of coordination with permitting entities, potential mitigation sites, and discussion of mitigation site selection in relation to location of the impact sites, etc. If potential mitigation sites have been identified, EPA requests that a figure with the specific sites outlined (not a generic dot or figure location marker) be provided with the FEIS.

- EPA's review of conceptual plans in Volume 3 of the DEIS indicates that the Mitchell Road station and the Penn Avenue Station appear to be proposed to be constructed in potential wetland areas. Segment 3 is proposed to pass through an extensive wetland complex.

Recommendation: To the extent possible, wetland impacts should follow the sequencing requirements of the 404(b) (1) guidelines. EPA supports the proposed bridging of a large wetland complex shown in Segment 3 (Sheets 14 and 15) as a good example of proposed minimization of wetland impacts, although no discussion of routing avoidance was provided. EPA understands that specific design details and construction plans for the project are still forthcoming. To further minimize unavoidable impacts to wetlands and sensitive aquatic habitats, EPA recommends the following measures be implemented during construction:

  - Undertake construction in wetlands during winter/frozen conditions, if/when feasible;
  - Minimize widths of temporary access roads/paths;
  - Use removable materials for construction of temporary access roads/paths (e.g. timber/swamp mats) in lieu of "fill" materials such as stone, riprap, or wood chips;
  - Use timber/swamp mats to distribute the weight of construction equipment in order to minimize soil rutting and compaction;
  - Use vehicles and construction equipment with wide tires or rubberized tracks, or low ground-pressure equipment, to further minimize wetland impacts during construction;
  - Use long-reach excavators, where appropriate, to avoid driving, traversing, or staging in wetland areas; and
  - Install a non-sediment-producing dike, cofferdam, or other barrier to separate work areas or pits from, and to keep sediment from entering, lakes, wetlands, or actively flowing streams (if work areas or pits are located in or adjacent to a work area or pit). Maintain these barriers during construction to minimize the siltation or filling of the stream, lake, or wetland. Remove all barriers post-construction.
  - Design both new and replacement culvert crossings to allow fish and other aquatic organism passage and to ensure continuity of the aquatic habitat (by not

restricting or altering water depth, flow, or velocity). Span crossings (bridges, 3-sided box culverts, open-bottom culverts or arches) are preferred from both an environmental and fisheries standpoint as they preserve the natural stream channel and maintain favorable habitat, natural processes, and aquatic organism passage under and/or through the structure. If a non-open bottom crossing is pursued, (such as a four-sided box culvert or a pipe), it should be embedded a minimum of two feet (and at least 25% for round pipe culverts) into the bottom of the channel.

- Construct relocated stream channels in the dry. Specifically, the new length of any relocated channel should be excavated, graded, stabilized with erosion control blankets, seeded, and have vegetation established before the ends of the new channel are opened to flow.

In addition to minimizing wetland, lake, and stream impacts through thoughtful design and final construction plans, EPA recommends that FTA/HCRRA commit to the following measures for implementation during construction:

- Comply with all applicable federal, state, and local laws and regulations that control the prevention of pollution of the environment, including those related to the introduction or spread of invasive species or pathogens in waterways;
- Conduct and schedule work operations to avoid or minimize siltation of streams, lakes, and wetlands;
- Avoid crossing actively flowing streams or operating machinery on the bed of actively flowing streams unless specifically approved to do so by all appropriate regulatory agencies; and
- Remove existing structures over actively flowing streams in large pieces to minimize the number of smaller pieces that may drop into the water or wetlands. Commit to removing all steel and all concrete pieces or other debris larger than 5 inches in any dimension that fall into any stream, lake, or wetlands.
- Recycle construction debris where feasible.

Floodplains

The preferred alternative, LRT-3A, proposes floodplain impacts of 3.19 acres; of this, 1.19 acres of impact are associated with the build alternative, and 2 acres of impact are associated with the freight rail relocation. No specific information on floodplain mitigation was discussed in the DEIS, although page 4-43 (Volume 1) states, "after Final Design, the amount of floodplain impacts will be calculated, and coordination with the appropriate entities…will occur to determine the type, location, and extent of compensatory floodplain storage (likely in the form of excavation) required."

Recommendation: EPA recommends that the FEIS provide additional information on potential floodplain mitigation, including expected mitigation ratios, updates on status of coordination with permitting entities, potential mitigation sites, etc. If potential mitigation sites have been identified, EPA requests that a figure with the specific sites outlined (not a generic dot or figure location marker) be provided with the FEIS.

Aquatic Issues Related to Section 4(f) of the Transportation Act

Page 7-20 (Volume 1) of the DEIS notes that the preferred alternative has the potential to permanently use 0.227 acre of land from the Nine Mile Creek Conservation Area. Additional potential impacts, including to the stream channel connecting Brownie Lake and Cedar Lake in the freight relocation project, could constitute an adverse effect and be considered a 4(f) use.

> **Recommendation**: In the FEIS, provide consultation correspondence to and from the property owners regarding the potential for impacts to or adverse effects on 4(f) listed or eligible properties.

Environmental Justice

Census tracts or block groups are only generically defined as either higher or lower than Hennepin County averages for minority or low-income individuals. The DEIS lacks a clear discussion of who lives where.

- While the analysis indicates which census tracks or block groups are currently low income and/or minority, it is not clear why and by how much. For example, we only know which areas have higher than 28.3% minority average, but not the actual number of individuals, the percentage, or which minority group(s). We don't know which minority or if this is an aggregate of all minority groups. This information is important to crafting not just a public outreach plan, but also ensuring that communities are involved in the decision making process, for instance, via language selection (e.g., if the minority percentage represents a primarily Hispanic or Latino community).

  Recommendation: Raw data for both low-income and minority communities for each block group or census track, respectively, are needed.
  - The FEIS should include the raw population data used to shape the environmental justice analysis, including, but not limited to, numbers of minority or minority groups in each block group, numbers of low-income individuals in each block group, percentage compared to the whole unit for each minority and low-income individuals, languages spoken in each block group, education level, and age (particularly for susceptible populations like the elderly and children).
  - The FEIS should also clarify whether the definition of minority, for the purposes of this analysis, is an aggregate of all minority races. For example, was the sum of all minority groups, as listed in section 10.3.1.1, used to determine whether the block group was about the Hennepin County average or was one single race used (meaning one race needed to be above 28.3%, rather than all aggregated races)?

- No information is provided on linguistically isolated populations, other than indicating outreach to some groups in Spanish, Hmong, and Somali (Section 10.4). The DEIS is not clear if populations in the project area who speak English less than proficiently exist, where they might be located, how they might be impacted by the project, and if they have been appropriately involved in the decision-making process.

  Recommendation: The Final EIS should include more details regarding which languages are spoken, where they are spoken, and what outreach has been implemented

to ensure non-English speakers have been appropriately included in the decision-making process. Any resultant mitigation should be committed to in the ROD.

EPA understands that while there are have been planned changes to the Linden Yards area and that no final decision has been made about what to do with the total area that comprises Linden Yards, we have been notified of a proposed diesel rail storage yard[3]. It is not clear why the August 21, 2012 "Request for City Council Committee Action from the Department of Community Planning and Economic Development", wherein the diesel rail storage yard, maintenance facility, and train wash are discussed for possible location at Linden Yards, is not considered a reasonably foreseeable action, and thereby discussed in the cumulative impacts analysis. This potential project is not specifically included in Table 9.4-1 (other than a generic mention of future development on page 9-9). It is unclear why FTA finds this information not pertinent to the cumulative impacts analysis when development of the Linden Yards area is apparently currently under consideration by the Metropolitan Council.

Concerning the Van White station area, the alternatives analysis is largely dependent on the development of Linden Yards. For example, if a diesel rail storage yard is proposed at this location, would it still be feasible to have the Van White Station and business and residential development? Would the diesel rail storage yard take priority over the transit station or other transit-oriented development? Is it possible for the Van White station and the diesel rail storage yard to be co-located? If FTA moves forward with the current siting of the Van White station, can the City or Federal Rail Administration move to develop the diesel rail yard there instead, potentially eliminating the Van White station, business, and residential development?

These questions are key to understanding the potential development in the Linden Yards area. The development of the Van White station is noted as an important addition to provide transit access and promote transit-oriented redevelopment for this low-income, racially diverse neighborhood. These opportunities could be lost if the proposed Van White Station were superseded by a diesel rail storage yard there, reducing community access to transit options and increasing diesel emissions, worsening air quality. The lack of information concerning the potential development of the Linden Yards area does not serve to adequately inform the public of the proposed actions and its resultant impacts.

Recommendation: EPA recommends that the FEIS is updated to include any potential development in the Linden Yards area, including the diesel rail storage yard. Any proposed plans or projects, including scoping attempts made by other local, state, or federal agencies, should be documented in the FEIS. FTA should address whether other proposed projects could supersede the siting of the Van White station and whether co-location could be an option should the rail storage yard be pursued. While EPA understands that the future of the Linden Yards area, including possibly siting a diesel rail storage yard there, may not be settled, FTA should make an attempt to address community concerns that siting a diesel rail storage yard there could eliminate the siting of the Van White station, and/or other developments, in communities anticipating the addition of transit accessibility.

[3] http://www.minneapolismn.gov/www/groups/public/@clerk/documents/webcontent/wcms1p-097133.pdf

EPA is concerned about the so-labeled indirect and cumulative impact of "gentrification" around the transit stations. We recognize that increases in property value, attraction of more businesses, and an influx of new residents are a likely result of the proposed project, particularly around the transit stations. Certainly, gentrification is not part of the purpose and need statement for the proposed project, just as indirect displacement of low-income residents or residents on a fixed income (like the elderly) by pricing them out of their neighborhoods is not an intent of the project. EPA understands that both FTA and Minnesota Department of Transportation (MnDOT) are committed to transit-oriented development that does not displace local residents from their neighborhoods.

> **Recommendation:** Because a federal action is the impetus of potential gentrification and it is so mentioned in the DEIS, EPA strongly encourages FTA and MnDOT to work with Hennepin County, the communities and their representative groups, and city departments to ensure that residents who wish to stay in their neighborhoods continue to be able to afford to do so after the opening of the transit stations. This can be accomplished in many ways, including requiring residential developments to include affordable housing options as a percentage of total new units built in association with the new stations (for example, in Chicago, if land is rezoned from industrial to residential, 10% of the new housing units should be deemed affordable housing allotted for those earning 60% or less of the area median income).

Air Quality

The FEIS should include measures to further reduce impacts to air quality, particularly particulate matter and diesel emissions, for which communities along the project area are already overburdened. While we agree that increasing light rail transit ridership could potentially reduce air quality impacts, short term impacts as a result of construction could worsen. The National Institute for Occupational Safety and Health (NIOSH) has determined that diesel exhaust is a potential occupational carcinogen, based on a combination of chemical, genotoxicity, and carcinogenicity data. Acute exposures to diesel exhaust have been linked to health problems such as eye and nose irritation, headaches, nausea, asthma, and other respiratory system issues. Communities living with environmental justice concerns are already disproportionately impacted by poor air quality and the development of this project need not contribute to an already degraded resource.

> **Recommendation:** EPA recommends the following measures to reduce short-term construction impacts to air quality be committed to the Record of Decision (ROD).
>
> - Use ultra low-sulfur diesel fuel.
> - Retrofit engines with an exhaust filtration device to capture diesel particulate matter before it enters the construction site.
> - Position the exhaust pipe so that diesel fumes are directed away from the operator and nearby workers, thereby reducing the exposure of personnel to concentrated fumes.
> - Use catalytic converters to reduce carbon monoxide, aldehydes, and hydrocarbons in diesel fumes. These devices must be used with low sulfur fuels.
> - Attach a hose to the tailpipe of diesel vehicles running indoors and exhaust the fumes outside, where they cannot reenter the workplace. Inspect hoses regularly for defects and damage.

- Use enclosed, climate-controlled cabs pressurized and equipped with high efficiency particulate air (HEPA) filters to reduce the operators' exposure to diesel fumes. Pressurization ensures that air moves from inside to outside. HEPA filters ensure that any incoming air is filtered first.
- Regularly maintain diesel engines, which is essential to keep exhaust emissions low. Follow the manufacturer's recommended maintenance schedule and procedures. Smoke color can signal the need for maintenance. For example, blue/black smoke indicates that an engine requires servicing or tuning.
- Reduce exposure through work practices and training, such as turning off engines when vehicles are stopped for more than a few minutes, training diesel-equipment operators to perform routine inspection, and maintaining filtration devices.
- Purchase new vehicles that are equipped with the most advanced emission control systems available.
- With older vehicles, use electric starting aids such as block heaters to warm the engine to reduce diesel emissions.
- Use respirators, which are only an interim measure to control exposure to diesel emissions. In most cases, an N95 respirator is adequate. Workers must be trained and fit-tested before they wear respirators. Depending on work being conducted, and if oil is present, concentrations of particulates present will determine the efficiency and type of mask and respirator. Personnel familiar with the selection, care, and use of respirators must perform the fit testing. Respirators must bear a NIOSH approval number.

The FEIS should include the following editorial changes to the maps presented in Chapter 10.

Recommendation:

- The term "partial/full" in the key to Figures 10.3-1, 10.3-3 through 10.3-6, and 10.3-8 through 10.3-10 should be clearly defined.
- Maps should identify locations of the stations that are proposed. The communities living with environmental justice concerns are already disproportionately impacted by the lack of access to transit options and close proximity to sources of air pollution, such as highways and arterial roads. The DEIS indicates one of the benefits is increased access to transit for communities living with EJ concerns; however, this is indiscernible from the provided maps, since there is no visual correlation between where these communities are and where transit stations will be located.
- Maps are cut off along the edges, making it difficult to read the legend or verify which figure it is.

Noise

Although we commend the excellent noise studies reported in Appendix H, we note that at the only site where train noise was observed, the St. Louis Park School at 6300 Walker Street, the train noise was eliminated from the analysis as an outlier value. The DEIS also states that train horn noise was the only detrimental impact, which will be eliminated by creating quiet zones.

Recommendation: EPA recommends the FEIS provide an understanding of freight engine and rail/wheel noise impacts to residences, schools, and other sensitive receptors located close to the tracks.

Historic and Cultural Resource Impacts

Appendix H contains an extensive amount of information on the historic sites related to this project. Many of the individual sites have been determined to either be on the National List of Historic Places, or not eligible to be listed. However, where structures and impacts are in question, the DEIS indicates that this study will be used in negotiating a Memorandum of Agreement with the State Historic Preservation Office (SHPO). The DEIS provides no information on the status of SHPO negotiations.

Recommendation: We recommend the FEIS clarify how the historic and cultural resource impacts will be addressed in a Memorandum of Agreement between project sponsors and the SHPO.

MITIGATION OF IMPACTS

Section 9.6, especially Table 9.6-1, is generally uninformative. The introduction statement for Table 9.6-1 Summary of Impacts and Their Mitigation, indicates that "no mitigation would be needed." This statement is not supported by the table documentation and other DEIS materials.

Recommendation: The FEIS needs to clarify where and how impacts were avoided and minimized, and when unavoidable impacts remain, how they will be compensated for.